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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/516,648	03/01/2000	Roger P Hoffman	P/2-61	3239

7590 01/11/2005

Weiss and Weiss  
Philip M Weiss  
310 Old Country Road, Suite 201  
Garden City, NY 11530

EXAMINER
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ART UNIT	PAPER NUMBER
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DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliance  
With 37 CFR 1.192(c)**

Application No.

09/516,648

Applicant(s)

HOFFMAN, ROGER P

Examiner

Kevin R Kruer

Art Unit

1773

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

The Appeal Brief filed on 01 September 2004 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

To avoid dismissal of the appeal, applicant must file IN TRIPLICATE a complete new brief in compliance with 37 CFR 1.192(c) within the longest of any of the following three **TIME PERIODS**: (1) **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer; (2) **TWO MONTHS** from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. **EXTENSIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☒ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. ☒ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. ☒ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. ☒ The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. ☒ A single ground of rejection has been applied to two or more claims in this application, and
  - (a) ☒ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
  - (b) ☐ the brief includes the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☐ The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. ☐ Other (including any explanation in support of the above items):  
  
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***Notice of Non-compliance with 37 CFR 1.1192(c)***

The appeal Brief filed on 01 September 1004 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c).

Specifically, the appeal brief excludes the heading "Status of Amendments" as required by 37CFR 1.192(c).

The appeal brief also does not contain a statement of the status of all the claims, pending or cancelled. Specifically the appeal brief does not contain the status of cancelled claims 2, 6, 9-11, and 21 or withdrawn claims 24-28.

The appeal brief also does not contain a statement that claims do not stand and fall together. While the appeal brief contains a "grouping of claims," 37 CFR 1.192(c) requires that a statement be present that the claims do not stand and fall together if applicant believes some of the dependent claims are separately patentable.

The appeal brief's "summary of the invention" also does not refer to the specification by page and line number and to the drawings.

The "Issues" section of the appeal brief also is defective because it is not a concise statement. Applicant should not repeat the entire rejection. Applicant simply needs to notes the grounds of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin R Kruer whose telephone number is 571-272-1510. The examiner can normally be reached on Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Deborah Jones can be reached on 571-272-1535. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kevin R. Kruer  
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